

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

EDWIN JAMES BITNER,	)	
Plaintiff(s),	)	
	)	
v	)	C.A. No. 04-12465-MLW
	)	
OPTOS, INC.,	)	
Defendant(s),	)	

MEMORANDUM AND ORDER

WOLF, D.J.

March 8, 2005

This action is one of about 230 civil cases assigned to me. I am also responsible for about 45 criminal cases, involving more than 65 defendants, many of whom have been incarcerated pending trial. Accordingly, I am interested in making arrangements for the fair and efficient progress and resolution of some of my civil cases.

Upon review of my civil docket, I believe that the above captioned case, and the administration of justice would benefit from being reassigned for all purposes to Magistrate Judge Dein, pursuant to 28 U.S.C. § 636(c)(1) and (3). If such reassignment occurs, Magistrate Judge Dein will decide all pretrial issues, schedule a firm trial date, conduct any trial that is necessary, with or without a jury, and any appeal would be taken directly to the Court of Appeals for the First Circuit.

Therefore, the parties are being ordered to inform the court by March 25, 2005 whether they consent to a transfer of this case to Magistrate Judge Dein for all purposes. The parties are free to inform the court that they do not consent to the transfer of this case to the Magistrate Judge and will not suffer any adverse substantive consequences. However, any failure to respond by the foregoing date will be deemed a consent to the proposed reassignment.

If the parties do not consent then the Magistrate Judge shall conduct all pre-trial proceedings including scheduling conferences, prepare any necessary report and recommendation pursuant to 28 U.S.C. §636(b)(1)(B) and return the case to the District Judge.

/s/ MARK L. WOLF, D.J.  
UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT

District of \_\_\_\_\_

Plaintiff  
V.

NOTICE, CONSENT, AND ORDER OF REFERENCE  
EXERCISE OF JURISDICTION BY A UNITED  
MAGISTRATE JUDGE

Case Number: \_\_\_\_\_

Defendant

**NOTICE OF AVAILABILITY OF A UNITED STATES MAGISTRATE JUDGE  
TO EXERCISE JURISDICTION**

In accordance with the provisions of 28 U.S.C. §636(c), and Fed.R.Civ.P. 73, you are notified that a United States magistrate judge of this district court is available to conduct any or all proceedings in this case including a jury or nonjury trial, and to order the entry of a final judgment. Exercise of this jurisdiction by a magistrate judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a magistrate judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any magistrate judge or to the district judge to whom the case has been assigned.

An appeal from a judgment entered by a magistrate judge shall be taken directly to the United States court of appeals for this judicial circuit in the same manner as an appeal from any other judgment of this district court.

**CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE**

In accordance with provisions of 28 U.S.C. §636(c) and Fed.R.Civ.P. 73, the parties in this case consent to have a United States magistrate judge conduct any and all proceedings in this case, including the trial, order the entry of a final judgment, and conduct all post-judgment proceedings.

Party Represented

Signatures

Date

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**ORDER OF REFERENCE**

IT IS ORDERED that this case be referred \_\_\_\_\_  
United States Magistrate Judge, to conduct all proceedings and order the entry of judgment in accordance with 28 U.S.C. §636(c) and Fed.R.Civ.P. 73.

\_\_\_\_\_  
Date

\_\_\_\_\_  
United States District Judge

NOTE: RETURN THIS FORM TO THE CLERK OF THE COURT ONLY IF ALL PARTIES HAVE CONSENTED  
ON THIS FORM TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE.

